

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**ROBERT A. KATZMANN**  
CHIEF JUDGE

Date: May 22, 2017

Docket #: 16-495ag

Short Title: The Cement League v. National Labor Relations  
Board

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

Agency #: 03-CA-126938

Agency: NLRB Agency #: 03-  
CA-126938

Agency: NLRB

**NOTICE OF DEFECTIVE FILING**

On May 22, 2017 the letter, on behalf of the Respondent-Cross-Petitioner National Labor Relations Board, was submitted in the above referenced case. The document does not comply with the FRAP or the Court's Local Rules for the following reason(s):

- \_\_\_\_\_ Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*)
- \_\_\_\_\_ Failure to file the Record on Appeal (*FRAP 10, FRAP 11*)
- \_\_\_\_\_ Missing motion information statement (*T-1080 - Local Rule 27.1*)
- \_\_\_\_\_ Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- \_\_\_\_\_ Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- \_\_\_\_\_ Improper proof of service (*FRAP 25*)
  - \_\_\_\_\_ Missing proof of service
  - \_\_\_\_\_ Served to an incorrect address
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- \_\_\_\_\_ Failure to submit document in digital format (*Local Rule 25.1*)
- \_\_\_\_\_ Not Text-Searchable (*Local Rule 25.1, Local Rules 25.2*), click [here](#) for instructions on how to make PDFs text searchable
- \_\_\_\_\_ Failure to file appendix on CD-ROM (*Local Rule 25.1, Local Rules 25.2*)
- \_\_\_\_\_ Failure to file special appendix (*Local Rule 32.1*)
- \_\_\_\_\_ Defective cover (*FRAP 32*)
  - \_\_\_\_\_ Incorrect caption (*FRAP 32*)
  - \_\_\_\_\_ Wrong color cover (*FRAP 32*)
  - \_\_\_\_\_ Docket number font too small (*Local Rule 32.1*)
- \_\_\_\_\_ Incorrect pagination, click [here](#) for instructions on how to paginate PDFs (*Local Rule 32.1*)
- \_\_\_\_\_ Incorrect font (*FRAP 32*)
- \_\_\_\_\_ Oversized filing (*FRAP 27 (motion), FRAP 32 (brief)*)
- \_\_\_\_\_ Missing Amicus Curiae filing or motion (*Local Rule 29.1*)
- \_\_\_\_\_ Untimely filing

xx   Incorrect Filing Event

  xx   Other: Attorney Kyle Decant should sign and file a formal motion to withdraw as counsel.

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than 05/24/2017. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8522.